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Letter dated 6 November 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 6 August 2002 (S/2002/898).

The Counter-Terrorism Committee has received the attached supplementary report from Greece submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 28 October 2002 from the Permanent Mission of Greece to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Representative of Greece presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) of 28 September 2001 concerning counter-terrorism and, with reference to the Chairman's letter of 15 July 2002, as well as the Vice-Chairman's letter of 17 May 2002, has the honour to submit herewith supplementary information in order to clarify certain general aspects of the approach taken by Greece with regard to the implementation of Security Council resolution 1373 (2001) and to provide background on the structure of the executive or parliamentary process therein (see enclosure).

Enclosure

Supplementary report of Greece submitted pursuant to paragraph 6 of resolution 1373 (2001)

Sub-paragraph 1 (a):

- Two working groups have been set up with a view to preparing the necessary legislative reform in compliance with the operative para.1 of the Resolution.

The first one, falling within the purview of the Ministry of Justice, is elaborating the penal provisions that criminalize the financing of terrorism providing as well for additional measures of penal and administrative nature (e.g. freezing), to effectively combat the financing of terrorism. Necessary amendments of the Code of Penal Procedure are respectively under way. The same working group is also tasked with the elaboration of the measures to implement the relevant Resolutions of the European Union.

The other working group, set up by the Ministry of Economy and Finance, is preparing the draft legislation aiming at implementing the eight (8) Recommendations of the Financial Action Task Force on Money Laundering (FATF), combating the financing of terrorism and including this offence in the predicate offences of money laundering (Law 2331/1995).

- The latter of the above working groups is also drafting the legislation that will enact the implementation of the provisions of Directive 2001/97/EU which extends the obligation to report suspicious transactions to the Greek Financial Intelligence Unit (F.I.U.) to professionals (e.g. attorneys, notaries, accountants, auditors) and to dealers of high value goods. - The F.I.U. is the authority, competent to investigate and trace terrorists' and terrorist organizations' funds and freeze them, with the cooperation of the Public Prosecutor -. It is to be noted that under Law 2331/1995 the non banking financial institutions (e.g. investment firms, mutual funds, other UCITS - Understandings for Collective Investment on Transferable Securities -, exchange bureaux, insurance companies) are obliged to submit Suspicious Transaction Reports (S.T.R's) to the Greek F.I.U. The same Law provides for appropriate penalties, in cases of non compliance.

- In Greece, no significant activities of informal banking networks have been reported. Only money transfers abroad of small amounts by immigrants have been noted.

Sub-paragraph 1(b):

- The former of the above mentioned working groups is preparing the necessary amendments to our penal legislation pursuant to the International Convention for the Suppression of the Financing of Terrorism, already ratified and put into force by Law 3034/2002

- Nonetheless, the Provisions of the Greek Penal Code and the Code of Criminal Procedure have been amended by Law 2928/01, aiming at protecting the citizens against criminal acts committed by criminal organizations.

In para. 1 of Penal Code Article 187, the meaning of "criminal organization" is clearly defined. A sentence of up to 10 years imprisonment is provided for anyone

"who sets up or becomes a member of a structured and active group consisting of 3 or more persons (organization) and aims at committing more crimes, such as counterfeiting, robbery, extortion, violations related to explosive substances etc."

Moreover, the manufacture, the procurement or the possession of weapons, explosive substances and chemical or biological materials or materials emitting radiation harmful to the health, for the purposes of the a/m organization, constitute aggravating circumstances.

In Article 187-A' of the same Law, lenient measures are provided for everyone who essentially contributes to the breaking up of an organization or a gang, e.g. full exemption from sentence, suspension of a reduced/lower sentence, a 3 up to 10 year suspension of the sentence, etc.

Finally, the Law provides for the liability of legal entities and enterprises, the protection of witnesses as well as for the analysis of DNA.

Sub-paragraph 1(c):

- Greek legal provisions permit the freezing of assets as required by sub-paragraph 1 (c) of Security Council Resolution 1373/2001.

Namely, the Article 187 of the Greek Penal Code has been amended by Law 2928/2001 (Article 1, para.1) aiming at punishing, to the degree of felony, perpetrators of setting up and participating in criminal organizations (including terrorist organizations).

Furthermore, these criminal acts came under the crime list of Law 2331/1995, Article 1 by Law 2928/2001 (Article 1 , para. 2).

Besides, Law 2331/1995 criminalizes money laundering, while permitting by article 5 the freezing of assets of persons implicated in committing or attempting to commit the punishable acts included in the aforesaid list.

- It should be stressed that Greece has not yet adapted its internal legislation to the frame-resolution of the EU Council as regards "combating terrorism".

However, according to recent statements of the Greek Minister of Justice, this adaptation is under way and expected to have been completed by the end of the year, when internal legislation will have been adapted accordingly.

Sub-paragraph 2 (a):

- According to the existing Greek legislation, recruiting members of a terrorist group is punished as instigation or mere complicity in criminal act of setting up or participating in criminal organization. (Penal Code, Article 187, para. 1)

- The persecuting authorities take all the necessary preventive and suppressive measures both at the external borders and inland against the illegal trafficking of small arms and light weapons.

Border controls at the land and the sea borders have been strengthened by the Hellenic Police, the Customs Authorities and the Coast Guard at all entry-exit points, with the assistance of military personnel, if need be.

The Hellenic Police, together with the Financial Intelligence Unit are carrying out regular controls to all entities involved in the legal market of weapons. Serious efforts are also being made by the persecuting Authorities to the direction of

tracking down and seize illegally possessed weapons either by individuals or by unauthorized persons/dealers.

The legal framework in Greece regarding the acquisition, possession, trade, import and export of weapons provides for strict regulations; e.g. the persons who are going to be granted licenses for the possession of weapons or for the exercise of a relevant profession must meet specific conditions, while all changes related to the legal traffic of weapons are electronically registered. In this respect an Information Exchange Office has been established functioning as a National Central Authority, which keeps an electronic data base and monitors all the legally owned or trafficked weapons, capable to immediately receive and forward information to the competent law enforcement authorities of Greece as well as of foreign partners, in the framework of cooperation within International or Regional Organizations and Agreements.

Sub-paragraph 2 (b):

- The Hellenic Police Headquarters is the head authority of the central and regional services, which form the Hellenic Police.

The H.P.H sees to the fulfilment of the mission of the Force in the framework of the Ministry of Public Order's Policy ; for this purpose the H.P.H plans, monitors and controls the action of the Services and provides for the necessary conditions for the exercise of their duties.

The H.P.H. is an integral and autonomous service and has the following departments:

1. Security and Order Department
2. Administrative Department
3. Financial, Technical and Computer Department

The Security and Order Department handles the public and state security affairs and plans, supervises and controls the relevant work of the Services through the Divisions of Public Security, State Security, Aliens and International Police Cooperation.

- The prompt exchange of information with other States on matters related to security, terrorism, drugs, etc., is carried out by the International Police Cooperation Division of the Hellenic Police; responsible for the communication networks with other states and organizations.

Sub-paragraph 2 (c) & (d):

Both points will be dealt with the law, regarding combating terrorism, to be voted and through which the Greek internal legislation will be adapted to the frame-resolution of the EU Council.

Sub-paragraph 2 (e):

- According to the definition of "criminal organization" given by the Penal Code Article 187 para. 1, an up to 10 years imprisonment sentence is provided for everyone participating in an organization with the view of systematically committing specific criminal acts characterized by an increased demerit and unsociability.

According to this regulation, whoever joins someone else with the purpose of committing serious crimes is punished with a heavier sentence.

Although the main target of the above mentioned law is to counter the organized financial crime, its implementation field is not limited since the participation in "a criminal organization" includes the criminal terrorist action as well.

As already mentioned in sub-paragraph 1(c), the responsibility of legal entities and enterprises is instituted in article 8 of Law 2928/01. Thus, the matter of "penal" responsibility of legal entities involved in organized crime operations is now addressed in this provision since, up to now, only individuals had a penal responsibility.

Sub-paragraph 2 (f):

- Law 2331/1995 "Prevention and suppression of legalizing proceeds emanating from criminal activities" includes effectual provisions concerning the financing of criminal organizations. This law provides for an exchange of information even without a request.

The legal timeframe, required to meet a request for judicial assistance, depends on the sort of the required judicial act, possibly to be held within the same day in urgent cases.

- The existence of a bilateral agreement or arrangement is mostly a pre-requisite for the offering of legal assistance to other countries. However, legal assistance can be provided on the principle of reciprocity.

Sub-paragraph 3 (c):

- Greece has already signed 21 bilateral Police Cooperation Agreements with the following countries:

Egypt, Albania, Armenia, Bulgaria, France, USA, Iran, Israel, Italy, China, Croatia, Cyprus, Lithuania, Hungary, FYROM, Poland, Romania, Russia, Tunisia, Turkey and Ukraine.

A trilateral Police Cooperation Agreement has also been signed (Greece, Bulgaria, Romania).

In addition, Greece has signed the following multilateral agreements: The Black Sea Economic Cooperation Organization. Eleven (11) States participate in it.

(Greece, Albania, Azerbaijan, Armenia, Bulgaria, Georgia, Moldova, Romania, Russia, Ukraine and Turkey).

SECI (South-Eastern European Cooperation Initiative)

Nine (9) States participate in it (Greece, Albania, Bulgaria, Croatia, FYROM, Hungary, Romania, Slovenia and Turkey)

Besides, Greece participates in other cooperation initiatives, such as: 2nd Adriatic and Ionian Initiative Round Table.

Seven (7) States participate in it (Greece, Albania, Bosnia-Herzegovina, Croatia, Federal Republic of Yugoslavia, Slovenia and Italy).

BILATERAL TREATIES ON EXTRADITION

GREECE-COMMONWEALTH COUNTRIES: (SOUTH AFRICA, NEW ZEALAND, SAMOA, INDIA, CANADA, KENYA, FIJI, MALAWI)	4031
GREECE-USA	5554/1932
GREECE-YUGOSLAVIA	4009/1959
GREECE-(Former) U.S.S.R	1242/1982
GREECE-LEBANON	1099/1980
GREECE-EGYPT	1689/1987
GREECE-SYRIA	1450/1984
GREECE-AUSTRALIA	1928/1991
GREECE-TUNISIA	2312/1994
GREECE-GEORGIA	2813/2000

BILATERAL TREATIES ON MUTUAL LEGAL ASSISTANCE

GREECE-YUGOSLAVIA	4009/1959
GREECE-ROMANIA	429/1974
GREECE-(Former) U.S.S.R	1242/1982
GREECE-LEBANON	1099/1980
GREECE-EGYPT	1769/1988
GREECE-SYRIA	1450/1984
GREECE-AUSTRALIA	It has not ratified
GREECE-MOROCCO	It has not ratified
GREECE-TUNISIA	2312/1994
GREECE-CYPRUS	1548/1985
GREECE-CHINA	2358/1995
GREECE-ALBANIA	2311/1995
GREECE-CANADA	2746/1999
GREECE-U.S.A.	2804/2000
GREECE-GEORGIA	2813/2000
GREECE-BULGARIA	841/1978

Sub-paragraph 3 (d):

Greece, is a state party to all major antiterrorism conventions and protocols. Out of the 12 United Nations Conventions dealing with terrorism, Greece is a party to 10 of them, while, out of the two remaining, the one dealing with the Suppression of the Financing of Terrorism has just been ratified and put into force by Law 3034/2002 and the other dealing with the Suppression of Terrorist Bombings is under the ratification process.

Sub-paragraph 3 (e):

Yes, without exception.

Sub-paragraph 3 (f):

- Upon the submission of their application for asylum in our country, the applicants are being registered, according to the official documents they present (identity cards, passports, etc). If there are no such documents, they are registered according to the data provided by them with the assistance of an interpreter. Then they are photographed and fingerprinted.

Following the above, a specially trained police officer interviews in an exhaustive and thorough way the applicant, in order to find out whether the person in question meets the Geneva Convention requirements (a detailed report on the reasons for which he/she left his/her country of origin, the route followed, the way of escape, his/her family and economic situation, his participation or not in a political party or Organization etc.).

Sub-paragraph 3 (g):

- It should be pointed out that, according to the absolutely prevailing view in Greece, the existence of motives of political character is not a sufficient reason for a criminal act to be characterized as political.

- Therefore, the reservation for the political offences in the 1977 European Convention on the Suppression of Terrorism is not incompatible with the Security Council Resolution in question, since political motives, referred to in this Resolution, are not taken into legal consideration in Greece.

This reservation is not applicable to countries, which are not Contracting Parties in this Convention. In such cases, the relevant bilateral treaty is applied. The context of these treaties varies from case to case.

Paragraph 4

Greece has addressed concerns expressed in paragraph 4 of the Resolution to the following laws:

Law 2331/1995 "Prevention and Suppression of legalizing proceeds from criminal activities".

Law 2928/2001 "Amendments of provisions of the Penal Code and the Code of Criminal Procedure and other provisions for the citizens' protection against criminal acts committed by criminal organizations".

Other matters

The financial supervision Authorities in Greece are:

- The Bank of Greece for supervising credit institutions, bureaux of exchange, money transmitters etc.

- The Capital Market Committee for supervising investment firms, mutual funds, other UCITS and the companies enlisted in the Athens Stock Exchange.

The Ministry of Development for supervising insurance companies.

These Authorities issue guidance notes and examine the internal system of the entities under their jurisdiction respectively, as for the fulfilment of the latter's obligation to monitor financial transactions and to submit suspicious transaction reports to the Greek F.I.U.

After the enactment of the provisions, referred to in sub-para. 1(a), these reports will also include suspicious transactions for financing of terrorism.